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REMARKS

By this amendment, claims 38-41 have been added. No claims have been amended or canceled. Claims 12-26 were previously canceled.

Claims 1-11 and 27-41 are now pending in the application. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendment and the following remarks.

In the Office Action, the Examiner rejected claims 1-11 and 27-37 under 35 U.S.C. 103(a) as being unpatentable over Kubota et al. (6,845,649) in view of Koerner (6,351,704)

Kubota et al. discloses a method for calibrating a rotation angle sensor by establishing reference output values based on predetermined reference angles which can correspond to an idle position. During use, throttle position is determined by comparing the output value of the sensor with one or more reference values. However, Kubota et al. does not teach or suggest a throttle calibration control configured to, *inter alia*, "maintain the throttle actuator position as an idle position benchmark for subsequent engine operation until a subsequent throttle actuator positioning more idle than the idle position benchmark" as claimed in claim 1, or a method to achieve this, as claimed in claim 27.

Also, as mentioned by the Examiner, Kubota et al. does not show the use of of a WOT position based on a fixed position from an Idle position. However, contrary to what the Examiner described, Koerner also does not teach this feature. Instead, Koerner teaches setting up a WOT position by first determining if a throttle is within a predetermined WOT range and then updates the WOT position if the throttle position is higher than the previous highest WOT position. Furthermore, since the idle position and the WOT position are both updated independently from each other, the WOT position is not a fixed position from the Idle position.

For these reasons, it is respectfully submitted that Kobuta et al. and Koerner, taken alone or combined, do not render claims 1 and 27 unpatentable. Claims 1 and 27 are therefore believed to be allowable.

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Dependent claims 2-11 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 1 and for the additional features recited therein.

Dependent claims 28-37 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 27 and for the additional features recited therein.

New claims 38-41, directed to a method of throttle control calibration, recite steps not found in the prior art and are therefore believed to be allowable.

In view of the above amendments and remarks, the Applicant respectfully submits that claims 1-11 and 27-41 are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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